



FEDERAL ELECTION COMMISSION  
WASHINGTON, D'C 20463

E. Mark Braden, Esq.  
Baker & Hostetler, LLP  
Washington Square, Suite 1100  
1050 Connecticut Avenue, NW  
Washington, DC 20036-5304

JUN 28 2005

RE: MUR 5647  
Virginia Foxx for Congress and  
Carolyn Aldridge, in her official capacity  
as treasurer

Dear Mr. Braden:

On June 20, 2005, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of a violation of 2 U.S.C. § 434(b)(4), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink that reads "Christine C. Gallagher". The signature is written in a cursive, flowing style.

Christine C. Gallagher  
Attorney

Enclosure  
Conciliation Agreement

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 ) MUR 5647  
Virginia Foxx for Congress and )  
Carolyn Aldridge, in her official )  
capacity as treasurer )

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FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
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**CONCILIATION AGREEMENT**

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Virginia Foxx for Congress and Carolyn Aldridge, in her official capacity as treasurer ("Respondents"), violated 2 U.S.C. § 434(b)(4).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Virginia Foxx for Congress ("the Committee") is a political committee within the meaning of 2 U.S.C. § 431(4)(A).
2. Carolyn Aldridge is the treasurer of Virginia Foxx for Congress.

3. The treasurer of a political committee must file reports of all receipts and disbursements in accordance with the Federal Election Campaign Act of 1971, as amended ("the Act"). 2 U.S.C. § 434(a)(1).
4. A committee is required to file a pre-election report no later than the 12<sup>th</sup> day before any election in which the candidate is seeking election. 2 U.S.C. § 434(a)(2)(A)(i). The report shall disclose, *inter alia*, the total amount of disbursements, and an itemization of all disbursements, including expenditures made to meet the candidate's or committee's operating expenses. 2 U.S.C. § 434(b)(4); 11 C.F.R. § 104.3(b)(2)(i).
5. On July 8, 2004, Respondents filed an original 12 Day Pre-Election Report disclosing total disbursements of \$195,353.59.
6. Respondents omitted from the original 12 Day Pre-Election Report, a \$135,000 operating expenditure to an advertising agency for media expenses for the primary election.
7. On July 13, 2004, Respondents filed an amended 12 Day Pre-Election Report disclosing total disbursements of \$330,353.59, reporting for the first time, the \$135,000 operating expenditure for media expenses for the primary election.
8. In response to a Request for Additional Information ("RFAI") from the Reports Analysis Division ("RAD"), Respondents filed a second amended 12 Day Pre-Election Report adding a memo text entry to the \$135,000 disbursement which stated "[t]his transaction on [sic] left off the original report by mistake."

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9. The \$135,000 operating expenditure omitted for a 5-day period from the Committee's original 12 Day Pre-Primary Report was 69% of the Committee's total disbursements for the reporting period.

10. The earliest disclosure of the \$135,000 operating expenditure on the 12 Day Pre-Primary Report was 7 days before the primary election – 5 days later than is required by the Act. *See* 2 U.S.C. § 434(b)(4); *see also* 11 C.F.R. § 104.3(b)(2)(i).

V. The Respondents contend that they filed an amended report, at their own initiative, promptly after they discovered the disbursement had been inadvertently omitted from the original 12 Day Pre-Election Report. The Commission became aware of the omission from the original 12 Day Pre-Election Report only after the filing of the amended report.

VI. Respondents failed to disclose a \$135,000 operating expenditure on the Committee's original 12 Day Pre-Primary Report filed on July 8, 2004 in violation of 2 U.S.C. § 434(b)(4). Respondents will cease and desist from violating 2 U.S.C. § 434(b)(4).

VII. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Seventeen Thousand Dollars (\$17,000.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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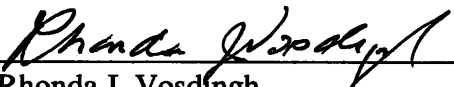
X. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

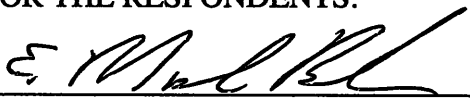
Lawrence H. Norton  
General Counsel

BY:

  
Rhonda J. Vosdingh  
Associate General Counsel  
for Enforcement

6/27/05  
Date

FOR THE RESPONDENTS:

  
E. Mark Braden, Esq.  
Counsel

Jun. 10, 2005  
Date

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